HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.16118 of 2006

Dated 1st August 2006

Between:
Smt.Duddu Mahalakshmi W/o late Appalaswamy, 40 years
R/o Bairisarangapuram Gram Panchayat
Mandara Mandal, Srikakulam District

… Petitioner

And:
Nimmala Niranjan S/o Vallasha, 50 years
R/o 2-20, Bairisarangapuram village
Mandara Mandal, Srikakulam District & 3 others

… Respondents

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W.P.No.16118 of 2006

ORDER:

Heard the learned counsel.

This writ petition is filed for writ of mandamus declaring the action of the respondents 2 to 4 in allowing the nomination of 1st respondent, who is non-tribal to the post of Sarpanch of Bairisarangapuram Gram Panchayat of Mandara Mandal of Srikakulam district, which is reserved for Schedule Tribe, is arbitrary, illegal and violation of Section 9 & 15 of Panchayat Raj Act 1994 and also violation of Part IX of the Constitution of India, consequently direct the respondents 2 to 4 to disqualify the candidate of the 1st respondent for ensuing elections schedule to be held on 2.8.2006 to the post of Sarpanch of Bairisarangapuram Gram Panchayat, Mandara Mandal of Srikakulam District and pass such other suitable orders.

Several factual details had been narrated in the affidavit filed in support of the petition. Sri Kuriti Bhaskar Rao pointed out several factual details. Those aspects cannot be gone into at this stage. Admittedly, the petitioner is having a remedy by way of Election Petition and he can as well raise all his contentions raised in this petition before the Election Tribunal.

With the above observation, the writ petition is disposed of. No order as to costs.

P.S. NARAYANA, J

Dated: 1st AUGUST 2006
BSS/MDAA